THE HONOURABLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

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WRIT APPEAL No. 1872 of 2005

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Dated 3rd October, 2005

Between:

The Divisional Forest Officer, Flying Squad

Division, Rajahmundry, East Godavari District

and others.

… Appellants.

And

Annam Nageshwara Rao … Respondent.

ORAL JUDGMENT:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

This Appeal is filed against the order passed by a learned Single Judge of this Court modifying the order of stay passed earlier. The facts leading to the filing of the writ petition are that a lorry bearing No.AP-5Y 6642 was seized on 22.12.2004 for allegedly transporting mango wood logs from agency area without valid permit.

When the matter came up before the first respondent, the Divisional Forest Officer, he recorded a finding that “the owner of the vehicle is however found to be innocent

of the offence". The matter was compounded by the forest authorities on payment of Rs.1,42,100/-. Aggrieved of that order, respondent came to this court and filed a writ petition. Initially, the court passed an order directing the release of vehicle on furnishing bank guarantee of Rs.1,42,100/-. Thereafter, the court modified the order directing the release of the vehicle on an undertaking that the lorry shall be produced as and when required for the purpose of investigation, because of the findings of the Divisional Forest Officer that the owner of the vehicle is however found to be innocent of the offence. We do not find that the learned Single Judge exercised his discretion improperly and there is no ground to interfere. The Writ Appeal, therefore, is dismissed.

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(BILAL NAZKI, ACJ.)

3.10.2005.

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(R.SUBHASH REDDY, J.)

VR.